

FILED 12/03/07 15:24 USDC-OR

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

TU THANH NGUYEN,

Civil Case No. CV 07-1614-ST

Petitioner,

Agency # A 22 475 405

vs.

Department of Justice, **MICHAEL B. MUKASEY**¹, United States Attorney General; Federal Bureau of Investigation, **ROBERT S. MUELLER III**, Director and **MICHAEL A. CANNON** Chief, National Name Check Program; Department of Homeland Security, **MICHAEL CHERTOFF**, Secretary; and United States Citizenship and Immigration Services, **WILLIAM McNAMEE**, Portland District Director and **EMILIO GONZALES**, Director,

**ORDER OF REMAND WITH
INSTRUCTIONS**

Respondents.

Based on the joint motion of the parties and the files and records in the case, it is
HEREBY ORDERED AND ADJUDGED as follows.

1. This matter shall be remanded to the USCIS Respondents with instructions to adjudicate Petitioner's Application for Naturalization, Immigration Form N-400, and, if the application is approved, swear in Petitioner as a citizen of the United States within 60 days of the date of the order of remand.

2. If, for whatever reason, Petitioner's Application for Naturalization, Immigration Form N-

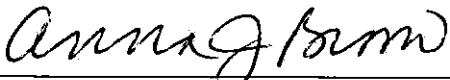
¹Michael B. Mukasey is automatically substituted for Peter D. Keisler under Fed. R. Civ. P. Rule 25(d)(1).

400, is not adjudicated within 60 days from the date of the order of remand, this Court shall retain jurisdiction to review the matter.

3. All parties waive their rights to appeal this order of remand.

4. This order of remand shall be without prejudice to the right of Petitioner to apply for attorney fees and costs under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and related sections, against the Respondents.

Dated this 3rd day of December, 2007.


HONORABLE JANICE M. STEWART ANNA J.
United States Magistrate Judge BROWN
District